

ORDINANCE NO. _____

AN ORDINANCE amending Title 27 of the Lincoln Municipal Code relating to the Zoning Code by amending Section 27.63.090 to provide that the number of members residing in a dwelling for members of a religious order may be increased up to 100% when the dwelling is located within 600 feet from the boundary of a school, church, or early childhood care facility served by the members; and amending Table 27.72.010(c) "Exceptions to the Minimum Lot Requirements in the AG and AGR Districts" in Section 27.72.010 to allow dwellings for members of a religious order in the AG district on a lot having a minimum lot area of five acres; and repealing Sections 27.63.090 and 27.72.010 of the Lincoln Municipal Code as hitherto existing.

BE IT ORDAINED by the City Council of the City of Lincoln, Nebraska:

Section 1. That Section 27.63.090 of the Lincoln Municipal Code be amended to read as follows:

27.63.090 Dwellings For Members of a Religious Order.

Dwellings for members of a religious order may be allowed by special permit in the AG, AGR, R-1 R-2, R-3, R-4, R-5, R-6, R-7 and R-8 zoning districts under the following conditions:

- (a) The dwelling be a single housekeeping unit;
- (b) Parking shall be in conformance with Chapter 27.67; and
- (c) The maximum number of members occupying such a facility shall not exceed the following ratios between the resident and the lot area:

- (1) AG and AGR. 1 resident / 5,000 square feet;
- (2) R-1. 1 resident / 3,000 square feet;
- (3) R-2 and R-3. 1 resident / 2,000 square feet;
- (4) R-4. 1 resident / 1,000 square feet;
- (5) R-5, R-6, R-7, and R-8. 1 resident / 750 square feet.

(d) The Planning Commission may increase the number of members up to 100% when the dwelling is located within 600 feet from the boundary of a school, church, or early childhood care facility served by the members.

Section 2. That Section 27.72.010 of the Lincoln Municipal Code be amended to read as follows:

27.72.010 Height and Lot Regulations AG and AGR Districts.

The maximum height and minimum lot requirements within the AG and AGR Districts shall be as follows:

(a) **AG District General Requirements.** See Table 27.72.010(a) below:

Table 27.72.010(a)			
Maximum Height and Minimum Lot Requirements for the AG District			
		AG	AG (farmstead splits)
All Allowed Uses	Lot Area	20 acres	1 acre
	Avg. Lot Width	550'	150'
	Frontage	550'	120'
	Front Yard	50'	50'
	Side Yard	60'	15'
	Rear Yard	100'	Lesser of 50' or 20% of the depth
	Height	35'	35'
For purposes of this section, minimum lot area, county section, and one-half section line road right-of-way are included for the purpose of determining area.			

(b) **AGR District General Requirements.** See Table 27.72.010(b) below:

Table 27.72.010(b)		
Maximum Height and Minimum Lot Requirements for the AGR Districts		
All Allowed Uses	Lot Area	3 acres
	Avg. Lot Width	220'
	Frontage	175'
	Front Yard	50'
	Side Yard	15'
	Rear Yard	Lesser of 50' or 20% of the depth
	Height	35'
If such lot abuts a cul-de-sac, the above requirements for average lot width and frontage may be met by providing a frontage of 175 feet measured at the required front yard line.		

(c) Exceptions to the Minimum Lot Requirements in the AG and AGR Districts.

- (1) If a lot in the AG zoning district has less area, width, or frontage or any combination thereof than herein required, and its entire boundary was under different ownership on the effective date of this title and has not since been changed, such lot may be used in conformance with Table 27.72.010(c) below.
- (2) If a lot or tract of land in the AGR zoning district has less area or width, or both less area and width, than herein required, and its boundary lines along their entire length abutted lands under other ownership on November 2, 1953, and have not since been changed, such lot or tract of land may be used per 27.72.010(c) column (b) below.
- (3) In the AGR zoning district, if a lot has less area, width or frontage or any combination thereof than herein required, and if on January 16, 1989, the area of the lot was one acre or more, and the average lot width of the lot was 150 feet or more and the frontage of the lot was 120 feet or more, such lot or tract of land may be used per Table 27.72.010(c) column (a) below.

Table 27.72.010(c) <u>Exceptions to the Minimum Lot Requirements in the AG and AGR Districts</u>		
Use Type	(a) 10 acres or more*	(b) Less than 10 acres
Agriculture, except commercial feedlots	P	P
Breeding, raising, management, and sale of fur-bearing animals and the produce thereof; Dog Breeding Establishment and Kennels	P	
Stables and riding academies	P	
Public use	P	P
Single-family dwelling	P	P
Churches	P	P
Greenhouses	P	P**
Pet cemeteries	P	P***
<u>Dwellings for religious order</u>	<u>P</u>	<u>P****</u>
<p>* A lot which was 10 acres or more, but which has since been reduced in area by public acquisition for right-of-way purposes, may be devoted to any of the uses permitted for 10 acres or more if the remaining area of such lot is nine or more acres.</p> <p>** Greenhouses shall be on a minimum of two acres. In addition, in the AGR zoning district, a greenhouse shall be in conformance with the requirements in Section 27.62.030(c).</p>		

Use Type	(a) 10 acres or more*	(b) Less than 10 acres
*** Pet cemeteries shall be on a minimum of five acres.		
**** <u>In the AG zoning district, dwellings for members of a religious order shall be on a minimum of five acres.</u>		

(4) In the AG zoning district: if two or more abutting lots in common ownership exist on the effective date of this title, each of such lots may be used for a single-family dwelling, provided, that each such lot shall contain a minimum area of two acres and shall have an average lot width of 150 feet. Abutting lots in common ownership which do not contain a minimum of two acres and an average lot width of 150 feet may be combined to meet these requirements. If any of the abutting lots in common ownership have less width or depth than herein required, the required side and rear yard may be adjusted as provided in (c)(1) and (c)(2) above, respectively.

(5) In the AG zoning district, a lot or tract of land of one acre or more may be used for a single-family dwelling or public utility and distribution system purposes provided that:

(i) For single-family dwelling use:

- A. The dwelling has existed on such lot or tract of land for more than five years.
- B. The dwelling is or has been used on the primary residence associated with a farm.
- C. Such lot or tract of land and buildings shall be in conformance with the following maximum height and minimum lot requirements: General Requirements -- See Table 27.72.010(a) (farmstead splits).
- D. However, if the lot or tract of land used for the dwelling do not meet the requirements of item Table 27.72.010(a) (farmstead splits), the single family dwelling shall be considered a non-standard use.
- E. Such dwelling is in conformance with the other provisions of this title, the minimum housing code, and the minimum standards for water and sewage facilities.

(ii) For public utility and distribution system purposes:

- A. Such lot or tract of land shall not be used, by itself, for any other purpose except agriculture.

1 (6) In the AG zoning district, in all interior sections of a township, the minimum area for a
2 buildable lot shall be one-half of the total acreage contained in that quadrant of the quarter
3 section in which said lot is located. In all closing sections (any section of land bordering
4 on the north or west line of a township) except those which lie along the west line of
5 Range 8 East, the minimum area for a buildable lot shall be as follows:

6 (i) For those lots located within a Government Lot (a lot created by the original
7 government survey and recorded in the surveyor's records of Lancaster County), the
8 minimum required area shall be one-half of the total acreage contained in said
9 Government Lot.

10 (ii) For those lots which are not located within a Government Lot, the minimum
11 required area shall be one-half of the total acreage contained in that quadrant of the
12 quarter section in which said lot is located.

13 (iii) In those closing sections which lie along the west line of Range 8 East, the
14 minimum area for a buildable lot shall be twenty acres, provided, however that the
15 Board of Zoning Appeals, in conformance with the terms of Chapter 27.75, may
16 hear and decide upon petitions to vary strict application of this requirement.

17 Section 3. That Sections 27.63.090 and 27.72.010 of the Lincoln Municipal Code as

18 hitherto existing be and the same are hereby repealed.

19 Section 4. That this ordinance shall take effect and be in force from and after passage and
20 publication in one issue of a daily or weekly newspaper of general circulation in the City, according
21 to law.

Introduced by:

Approved as to Form & Legality:

City Attorney

Approved this ____ day of _____, 2015:

Mayor